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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,556	01/23/2002	Hiroyuki Terada	1614.1209	4977
21171	7590	07/31/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHANDLER, SARA M	
			ART UNIT	PAPER NUMBER
			3693	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/052,556	Applicant(s) TERADA, HIROYUKI	
	Examiner Sara Chandler	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1,4 and 5 are objected to because of the following informalities: a fabrication factory cannot be retrieved. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 4 is directed to non-statutory subject matter. Claim 4 recites within its scope a human being because a human is capable of performing each function required by the claim. A claim directed to or including within its scope a human being will not be considered to be patentable subject matter under 35 U.S.C. 101. Per Commissioner Quigg's notice published at 1077 OG 24 (April 21, 1987), "a claim directed to or including within its scope a human being will not be considered to be a patentable subject matter under 35 U.S.C. 101".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 4 fails to particularly point out and distinctly claim whether the invention is electrical, mechanical or manual (e.g., The functions could be performed by a human in a mailroom).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by

Reinsma, US Pub. No. 2002/0116239.

Re Claim 1: Reinsma discloses a method for intermediating trading between a building materials manufacturer and a fabrication factory, said method comprising the steps of:

(a) receiving order received information from a construction company ([Reinsma, [0007] "a system is provided for selecting a set of items that meet a given criteria." [0011]);

(b) retrieving a fabrication factory satisfying requirements of said order received information from a storing part storing fabrication ability information of said fabrication factory ([Reinsma, contractor= fabrication factory; Figs. 1,2,3,4, 4A, 6; [0071] "A

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contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installations costs for the items selected in the package.”[0075] “An alliance contractor database 78 may be accessed when determining an appropriate contractor and/or contractor schedule.” [0076][0078][0105] “the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain.....”); and

(c) sending fabrication order information to said fabrication factory and sending building materials order information including information of said fabrication factory that is a destination to ship building materials from said building materials manufacturer, based on said order received information (Reinsma, supplier= building materials manufacturer; Figs. 1,2,3,4,4A, 6; [0071] “An alliance supplier module 52 is employed to organize available suppliers and the cost of each product carried by the supplier.” [0075][0076][0078][0105] “the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain.....”).

Re Claim 2: Reinsma discloses a method, wherein said order received information includes fabrication indication information in which an indication is shown by image data (Reinsma, [0076][0078]).

Re Claim 3: Reinsma discloses a method, wherein said fabrication ability information includes open schedule information of said fabrication factory (Reinsma, [0071] “A contractor module 50 is employed to organize contractor schedules and to provide a list

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of available contractors and their installations costs for the items selected in the package.”[0072][0096]).

Re Claim 4: Reinsma discloses an apparatus for intermediating trading between a building materials manufacturer and a fabrication factory, said apparatus comprising: a receiving part receiving order received information from a construction company

(Reinsma, [0007] “a system is provided for selecting a set of items that meet a given criteria.” [0011]);

a retrieving part retrieving a fabrication factory satisfying requirements of said order received information from a storing part storing fabrication ability information of said fabrication factory (Reinsma, contractor= fabrication factory; Figs. 1,2,3,4, 4A, 6; [0071]

“A contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installations costs for the items selected in the package.”[0075] “An alliance contractor database 78 may be accessed when

determining an appropriate contractor and/or contractor schedule.” [0076][0078][0105]

“the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain.....”); and

a sending part sending fabrication order information to said fabrication factory and sending building materials order information including information of said fabrication factory that is a destination to ship building materials from said building materials manufacturer, based on said order received information (Reinsma, supplier= building materials manufacturer; Figs. 1,2,3,4,4A, 6; [0071] “An alliance supplier module 52 is

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employed to organize available suppliers and the cost of each product carried by the supplier." [0075][0076][0078][0105] "the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain....").

Re Claim 5: Reinsma discloses computer-readable recording medium having program code recorded therein for causing a computer to intermediate trading between a building materials manufacturer and a fabrication factory, said program code comprising the code for:

(a) receiving order received information from a construction company (Reinsma, [0007] "a system is provided for selecting a set of items that meet a given criteria." [0011]);

(b) retrieving a fabrication factory satisfying requirements of said order received information from a storing part storing fabrication ability information of said fabrication factory (Reinsma, contractor= fabrication factory; Figs. 1,2,3,4, 4A, 6; [0071] "A contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installations costs for the items selected in the package." [0075] "An alliance contractor database 78 may be accessed when determining an appropriate contractor and/or contractor schedule." [0076][0078][0105] "the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain...."); and

(c) sending fabrication order information to said fabrication factory and sending building

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materials order information including information of said fabrication factory that is a destination to ship building materials from said building materials manufacturer, based on said order received information (Reinsma, supplier= building materials manufacturer; Figs. 1,2,3,4,4A, 6; [0071] "An alliance supplier module 52 is employed to organize available suppliers and the cost of each product carried by the supplier." [0075][0076][0078][0105] "the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain....").

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Scolnik, US Pub. No. 2002/0007333 – intermediary system central computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



JAGDISH N. PATEL
PRIMARY EXAMINER